

## **REMARKS**

In the Office Action, the Examiner rejected claims 1, 3 and 4 under 35 U.S.C. 102(b) as being anticipated by Ishii et al. in U.S. Patent 4,907,546. Further, claims 2 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii et al. in view of Fukuda in U.S. Patent 6,775,981.

Claim 1 has been amended to define the open air machine accommodating section accommodating an engine and a work machine. A fan captures cool air via a ventilation path having an inlet. The specific arrangement of the machine components are defined such that electrical components generating low heat are provided upstream on the ventilation path and the engine generating considerable heat is provided downstream on the ventilation path. Further, a cross sectional area of the ventilation path decreases as the distance from the inlet increases.

The claimed invention relates to an open-type engine-driven work machine, which is not directed to a sound-proof (closed) type machine, such as Ishii. Ishii discloses a closed-type structure for achieving sound-proof function. The closed-type structure employs a closed case which has a small air inlet and a small air outlet. Consequently, the closed-type structure is difficult to dissipate heat to the outside and needs a specifically powered ventilation system to achieve desired heat dissipation in the closed case. Ishii is therefore a closed-type machine having a closed case to accommodate an engine, work machine, muffler and electronic components, while the claimed invention is an open-type machine which has no case for the same purpose.

Photographs are attached which show perspective views of an actual engine-driven work machine which is the subject of the claimed invention. In the "Comparative Figures", Figures 1-

3 of the present application are on the left side and corresponding electronic photographs DSCF1258, DSCF1257 and DSCF1256 are on the right side.

It is shown in the electronic photographs that the engine and the generator are exposed to atmosphere, not accommodated in a closed case like Ishii. Therefore, the concept of the claimed invention is to dissipate heat generated by an engine, muffler and work machine efficiently, without paying attention to sound insulation as in the Ishii patent. Ishii's concept is to dissipate heat generated similarly by powered ventilation, paying considerable attention to sound insulation. Accordingly, it is not possible to apply Ishii's concept to the claimed invention.

The Examiner has indicated that the Ishii patent does not show the electrical components provided in any order along the path and the relative cross sectional areas of the ventilation path decreasing as a distance from the inlet increases. The patent to Fukuda et al. was relied upon to provide such a teaching.

However, upon reviewing the Fukuda patent, it appears, from Figure 1, that air passing through cooling air intake port 62 and moving through ascending passage section 63a moves into a larger cross sectional upper passage section 63b. Further, with reference to Figure 3, the discharge port 38, discharging air to the outside, is comparable in size to that of the cooling air intake port 62 as shown in Figure 1 rather than the claimed decreasing cross sectional area claimed for the present invention.

Accordingly, the Fukuda patent fails to provide the teachings clearly absent from the Ishii patent as it applies to the present invention. Accordingly, even the combination of patents does not arrive at the present invention as defined in amended claim 1.

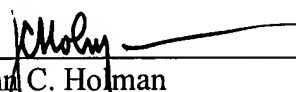
Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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Date: December 8, 2005  
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